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Substantively Consolidated SIPA Liquidation of
Bernard L. Madoff Investment Securities LLC and Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Liquidation
of Bernard L. Madoff Investment Securities LLC,

Plaintiff,

v.

MIMI A. GREENBERG REVOCABLE TRUST;
MIMI A. GREENBERG; AGNES E. KULL, in her
capacity as Trustee of the Mimi A. Greenberg
Revocable Trust; and NATHAN GREENBERG, in
his capacity as Trustee of the Mimi A. Greenberg
Revocable Trust,

Defendants.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 10-04695 (SMB)

**NOTICE OF VOLUNTARY DISMISSAL WITH PREJUDICE OF DEFENDANT AGNES
E. KULL AND STIPULATION FOR SUBSTITUTION OF DEFENDANT NATHAN
GREENBERG AND ORDER**

WHEREAS, on December 1, 2010, Irving H. Picard (the “Trustee”), as trustee for the liquidation of the business of Bernard L. Madoff Investment Securities LLC under the Securities Investor Protection Act, 15 U.S.C. §§ 78aaa *et. seq.*, and the substantively consolidated estate of Bernard L. Madoff individually, filed the above-captioned avoidance action against defendants Mimi A. Greenberg Revocable Trust, Mimi A. Greenberg, individually, and Agnes E. Kull and Nathan Greenberg, each in their capacity as Trustee of the Mimi A. Greenberg Revocable Trust; and

WHEREAS, Agnes E. Kull died on June 16, 2011.

WHEREAS, Nathan Greenberg died on February 12, 2013.

IT IS THEREFORE NOTICED that pursuant to Rule 7041 of the Federal Rules of Bankruptcy Procedure, the Trustee, by and through his counsel Baker & Hostetler LLP, hereby dismisses with prejudice Defendant Agnes E. Kull from the above-captioned adversary proceeding. The caption of this adversary proceeding is hereby amended to delete the defendant dismissed herein as reflected on Exhibit A hereto.

IT IS THEREFORE MUTUALLY AGREED AND STIPULATED, by and between the Trustee and Henry Greenberg and Ruthanne Miller, each in their capacity as Successor Trustees of the Mimi A. Greenberg Revocable Trust, as follows:

1. Henry Greenberg and Ruthanne Miller, each in their capacity as Successor Trustees of the Mimi A. Greenberg Revocable Trust (collectively referred to as “Defendants”), are hereby substituted into this action in place of Nathan Greenberg, deceased, and the complaint shall be deemed so amended.

2. The Clerk of the Court is hereby directed to amend the caption to remove Agnes E. Kull and remove Nathan Greenberg and substitute Henry Greenberg and Ruthanne Miller, each in their capacity as Successor Trustees of the Mimi A. Greenberg Revocable Trust, as reflected on Exhibit A to this Stipulation.

3. Undersigned counsel for Defendants: (i) expressly represents that he has the authority to accept service of the Amended Complaint on behalf of Defendants, (ii) waives service of the summons and the Amended Complaint on behalf of Defendants, and (iii) hereby waives any defenses based on insufficiency of process or insufficiency of service of process of the summons and Amended Complaint on behalf of Defendants, and (iv) expressly agrees that the amendment noted in Paragraph 1 hereof shall not be considered an amendment under Federal Rule of Civil Procedure 15(a)(1)(A) or (B), that the Trustee's right to amend under Federal Rule of Civil Procedure 15(a)(1)(A) or (B) is expressly reserved, and that the Trustee may file one amendment without leave of court in compliance with Federal Rule of Civil Procedure 15(a)(1)(A) or (B).

4. Except as expressly set forth herein, the parties to this Stipulation reserve all rights and defenses they may have.

5. This Stipulation may be signed by the parties in any number of counterparts, each of which when so signed shall be an original, but all of which shall together constitute one and the same instrument. A signed facsimile, photostatic or electronic copy of this Stipulation shall be deemed an original.

Dated: May 30, 2014

New York, New York

BAKER & HOSTETLER LLP

By: /s/ Nicholas J. Cremona

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*Attorneys for Defendants Mimi A.
Greenberg Revocable Trust, Henry
Greenberg, and Ruthanne Miller*

SO ORDERED.

Dated: May 30th, 2014

New York, New York

/s/ STUART M. BERNSTEIN

HONORABLE STUART M. BERNSTEIN
UNITED STATES BANKRUPTCY
JUDGE